



PLANNING COMMISSION MEETING MINUTES

City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

APPROVED

Wednesday, October 12, 2011

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Meeting of October 12, 2011, was called to order at 7:00 p.m. by Chair Kathy Narum.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Chair Narum.

1. ROLL CALL

Staff Members Present: Brian Dolan, Community Development Director; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Mike Tassano, City Traffic Engineer; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Kathy Narum, and Commissioners Phil Blank, Greg O'Connor, Arne Olson, Jennifer Pearce, and Jerry Pentin

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. September 14, 2011

The Minutes of September 14, 2011 were continued to the October 17, 2011 meeting.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

There were no members of the audience wishing to address the Planning Commission.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern advised that because the plans supplied by the applicant for Item 6.a., PUD-93-02-10M, Arpad Nagy, were not the exact version that was approved previously, staff is not comfortable moving on at this point and is requesting that the item be continued to the October 26, 2011 meeting.

Commissioner Blank complimented staff for doing a good job in putting the packet together. He noted that it is an excellent example of completeness, and including the entire history of the proposal allowed the Commissioners to go back and see the project from its start through the previous Commissions' and City Councils' meeting Minutes.

Commissioner Pentin inquired if the Commissioners should hold on to their packet and receive a new set of plans.

Ms. Stern said yes.

Chair Narum indicated that the applicant has submitted a speaker card and informed him that if he still wanted to speak, he could do so when the Commission reaches that point of the agenda.

5. CONSENT CALENDAR

a. P11-0712, University of San Francisco

Application for a Conditional Use Permit to operate a college for adult education at 6120 Stoneridge Mall Road, Suites 150 and 190. Zoning for the property is PUD-C-O (Planned Unit Development – Commercial-Office) District.

Commissioner Olson moved to make the required Conditional Use Permit findings as listed in the staff report and to approve Case P11-0712, subject to the conditions of approval listed in Exhibit A.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin

NOES: None

ABSTAIN: None

ABSENT: None

Resolution No. PC-2011-34 approving P11-0712 was entered and adopted as motioned.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

a. **PUD-93-02-10M, Arpad Nagy**

Application for a Major Modification to extend the approvals for two years, to expire on August 16, 2013, for an approved project located at 2001 Ruby Hill Boulevard (PUD-93-02-09M/PCUP-182) which consists of: (1) relocating the existing sales office building on Ruby Hill Boulevard northwesterly along Vineyard Avenue; (2) changing the existing office use to restaurant use; (3) establishing a pad location and design guidelines for a future single-family residence; and (4) a Conditional Use Permit to allow alcoholic beverage service at the restaurant after 10:00 p.m. Zoning for the property is PUD (Planned Unit Development) – A/OS/LDR (Agriculture/Open Space/Low Density Residential) District.

This item has been continued to the October 26, 2011 meeting.

Chair Narum asked the applicant if he wished to speak.

Mr. Nagy replied that he would wait until the actual meeting.

b. **PSPA-4/PUD-65-01M, Nick Kavayiotidis**

Applications for: (1) an amendment to the North Sycamore Specific Plan and Planned Unit Development (PUD) Major Modification to allow a memory care/assisted living facility as a permitted use; and (2) PUD Development Plan to construct an approximately 21,481-square-foot, one-story memory care/assisted living facility containing 46 beds on the existing properties located at 5980 and 5998 Sunol Boulevard. Zoning for the properties is Planned Unit Development - Office (PUD-O) District Also consider the Negative Declaration prepared for the project.

Jenny Soo presented the staff report and described the history, scope, and key elements of the proposal.

Commissioner Blank stated that he walked around the property and inquired how visible the facility would be from the cemetery.

Ms. Soo replied that she is not certain but that there are existing trees by the creek.

Commissioner Blank further inquired if the trees the applicant is planting are on the north side of the property.

Ms. Soo said yes.

Commissioner Pearce stated that she was driving down Sunol Boulevard from the freeway and noted the right only egress and ingress to and from the site. She indicated that she asked her 11-year-old son to turn around to see if there was a U-turn possible

to get into the facility when coming from the Downtown, and the child said that there was. She asked Mike Tassano, City Traffic Engineer, if that was correct.

Mr. Tassano replied that was correct. He indicated that a U-turn is possible at Sycamore Road.

Commissioner Pearce asked Mr. Tassano if he anticipated having to alter the traffic light based upon the traffic pattern, assuming most people will be coming from Pleasanton.

Mr. Tassano replied that the traffic volume for this location is relatively light and set for peak times for residential. He explained that this site has a relatively long max, which means that if there are 25 seconds worth of vehicles, the light will stay green for 25 seconds. He added that this has not been the experience, but because the level of service at that intersection is really good, the traffic signals would be able to address any increase in traffic generated by this kind of expansion.

Commissioner Blank inquired if the U-turn then would not need to be moved.

Mr. Tassano replied that the U-turn is allowed and is receiving on three lanes. He added that there is a left-turn protected movement, such that the only conflict would be the side street traffic which has a "Yield" sign.

Commissioner Pentin noted that the speed limit at that site is 40 miles per hour and is reduced to 35 miles per hour just past the cemetery. He inquired if this facility would constitute a change in the 40 miles per hour speed limit at the top of the hill.

Mr. Tassano said no. He explained that the only time the speed limit is changed is if there is an unexpected change in the use of the property. As an example, he stated that potentially, if a school were put there, the speed limit would be reduced to 25 miles per hour when children are present; however, because there are already driveways at this location, the existing fences will essentially be taken down so there is no element of surprise. He added that when a driver sees a building, the expectation is that there is a driveway. He concluded that in this case, there is no need to reduce speed limit.

Commissioner Pentin stated that his experience is that 40 miles per hour is seldom the speed held at the top of the hill and that it is usually 50 miles per hour.

Commissioner O'Connor inquired why the sound walls to the east and south of the property do not meet up to each other.

Ms. Soo replied that there is a sliver of land that used to be the driveway to the former residence, and connecting the soundwall would cross that driveway.

Commissioner O'Connor inquired if that access going to remain.

Ms. Soo replied that it will no longer be used as an access and added that she believes the applicant will use it for utility lines.

Commissioner Blank commented that he was planning to ask the applicant about that piece of property.

Commissioner O'Connor noted that there is an existing residence on the corner of the land between the project site and Sycamore Road. He inquired if there would be any access to this property from Sunol Boulevard or if all the access to that property would be from Sycamore Road only.

Ms. Soo replied that access to that property would be only from Sycamore Road.

THE PUBLIC HEARING WAS OPENED.

Nick Kavayiotidis, applicant as well as owner and developer of the property, stated there is a need for memory care in the City right now. He indicated that they did a market analysis within three-to-five radius miles of the site, and there are only 19 beds, which is not adequate for a population of 67,000. He noted that this is a service that is needed now, and residents are having to go to other cities to place their parents and grandparents.

Mr. Kavayiotidis stated that there will be a positive financial impact to this development, creating 25 permanent jobs as well as the resulting multiplier effect of indirect jobs. He indicated that the actual project will be an \$8 million project with \$5 million of construction hard costs.

Mr. Kavayiotidis stated that they have engaged neighbors during this process and held a meeting in June where they discussed the project and answered questions. He indicated that some of the concerns had to do with traffic. He noted that this use has much less traffic than the previously proposed medical office building, with average daily trips in and out of this facility being just ¼ of the proposed office building.

Mr. Kavayiotidis stated that they have also addressed concerns from an adjacent neighbor with regard to noise and have mitigated some of these issues, such as having night shift employees park on the north side of the property. He indicated that they have also shifted six of the parking spaces from the south side to other spots on the site, and as was discussed earlier, there is a sound wall on the south and east sides of the property.

Mr. Kavayiotidis stated that there was concern at the neighborhood meeting about patients and residents leaving the facility unaccompanied. He noted that the facility would have a delayed egress so no one can leave unattended and walk out to Sunol Boulevard. He noted that they spent considerable time with Mr. Tassano working on the parking ratios and that they feel very confident that at .67 parking spaces per bed, assuming they are 100 percent full, there will be no off-site parking issues. He added

that they have expanded the size of the courtyard and actually reduced the unit count from 50 beds to 46, with more common area inside the building. He commented that they worked closely with staff and are pleased with their final plan.

Mr. Kavayiotidis stated that he was not sure how tall the trees along the north side of the property towards the cemetery are. He indicated that he addressed this with the landscape architect, and part of the idea of having those trees was to shield the view of the cemetery. With respect to the 10 feet wide and 200 feet long strip of land abutting Sycamore Road, referred to as the "flagpole," he stated that they do not have plans for this other than to bring in utility lines; it will not serve as a driveway or any sort of access.

Commissioner O'Connor asked Mr. Kavayiotidis to explain the security system referred to which ensures that no one would actually be able to leave the facility and go out to Sunol without being attended.

Mr. Kavayiotidis stated that it is called a delayed egress system, and he asked Michael O'Rourke, Facility Operator, to explain.

Michael O'Rourke, Wesmont Living, Facility Operator, stated that they have been developing, owning, and operating these facilities in Oregon, Washington, and California since 1996, and today they operate 11 buildings. He indicated that the delayed egress system is commonly used in memory care facilities for the safety and protection of the residents. He stated that, for example, Alzheimer's patients would tend to want to go back to whatever state of the disease they are in, so they lose their memories from the most recent to their childhood, such that if they were working as a manufacturer, they would want to go back to that time in their life. He then explained that a resident would have to push on the exit bar for 30 seconds, which would allow the resident to exit the building in the case of an emergency, but which also sends a signal to the caregiver's and executive director's pagers or phones letting them know that someone has exited the building.

THE PUBLIC HEARING WAS CLOSED

Commissioner Blank inquired if there were any maintenance obligations in the documents for the "flagpole" such as to keep it mowed or cleaned or leveled.

Ms. Stern replied that there is no specific condition related to that other than general maintenance obligations through City ordinances. She stated that staff could add a condition addressing that.

Commissioner Pentin stated that there is no plan to use this strip of land for access purposes, but there is nothing to stop someone from entering the strip of land. He stated that ten feet is not big, but it is wide enough for someone to drive on. He inquired if it will be chained or blocked, and recommended that a condition to that effect be added.

Ms. Stern suggested placing a gate at the Sycamore Road end.

Mr. Kavayiotidis stated that he recalls there being a chain-link fence going across at that end.

Commissioner Blank noted that he went by the property again today and does not remember if there is a gate there or not.

Mr. Kavayiotidis replied that there is no gate, but there is currently a wooded fence where a sound wall is being proposed

Commissioner Blank requested clarification that the strip will not be used for access at all.

Mr. Kavayiotidis replied that it will be used only for underground utilities. He added that they will not be using it and that they are not opposed to putting up a gate or fence along Sycamore Road or on both ends of the strip.

Commissioner Pentin inquired if any improvements are planned in this area or if it will remain a ten-foot strip.

Mr. Kavayiotidis replied that they do not have any plans for it and are leaving it the way it has been the last five years. He added that they take care of the weeds annually as required by Fire Department regulations.

Commissioner Blank requested confirmation from staff that weed abatement work is required by the City and that no condition was needed for this.

Ms. Stern confirmed that was correct and added that staff could add the condition if the Commission so desired.

Commissioner Pentin stated that his only concern is that a chain across the "flagpole" would stop someone from driving into it.

Commissioner O'Connor expressed concern that if the back lot is developed, and there is no soundwall or fence along the strip, and the people next-door who access off of Sycamore Road have no control over it, a simple annual weed abatement would not be adequate maintenance.

Commissioner O'Connor inquired if there is an existing home next-door.

Ms. Soo said yes.

Chair Narum stated that the property on the other side is owned by the estate of Mr. Wagner, who used to own the trailer park on Stanley Boulevard.

Commissioner Blank commented that the property does not look like it is well maintained.

Commissioner O'Connor noted that the lot next door is zoned for two homes or three homes in the North Sycamore Specific Plan.

Ms. Stern indicated that they are zoned for either residential or commercial use, but could be developed commercially only if developed together.

Commissioner O'Connor noted that the lots are under separate ownership, and if one sold and the other did not, there could be five to six homes in those next two lots.

Commissioner Pentin stated that ultimately, if all the lots around the site are developed, the ten-foot wide "flagpole" could have a wall on one side and a wall on the other, or a fence on both sides, and it will not be blight.

Commissioner Blank recalled that that a while back, the Commission was informed that it should not burden the current property developer with what might happen in the future.

Commissioner O'Connor noted that it is not a "might" as it is already zoned, and what will go there is already known.

Commissioner Blank stated that it is not certain as the parties could partner up.

Chair Narum agreed that the property owners may sell the sites and that she believes there does need to be a chain or gate at the Sycamore Road end.

Commissioner Blank noted that it is currently fenced off at the end.

Commissioner Olson noted that the tree report is over four years old and inquired if this was reviewed more recently by the City's Landscape Architect or if staff is comfortable with an old report.

Ms. Stern replied that she believes all the trees that are to be removed have been removed at this point; hence, the fact that the report is older is not an issue.

Commissioner Blank moved to find that the project would not have a significant effect on the environment and that the amendment to the North Sycamore Specific Plan is consistent with the General Plan; to make the PUD findings as identified in the staff report and that the proposed Major Modification to the PUD and the PUD Development Plan are consistent with the General Plan, the North Sycamore Specific Plan, and the purposes of the PUD Ordinance; and to recommend approval of the Negative Declaration prepared for the project and the Major Modification, Case PUD-65-01M, subject to the conditions listed in Exhibit A

of the staff report, with the addition of a condition that the applicant be required to install and maintain a fence on the Sycamore Road end of the “flagpole” for as long as they own the property.

Commissioner Pentin seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
ABSENT: None

Resolutions Nos. PC-2011-35 recommending approval of the Negative Declaration, PC-2011-36 recommending approval of the North Sycamore Specific Plan Amendment, and PC-2011-37 recommending approval of the PUD Major Modification were entered and adopted as motioned.

- c. PREV-454, Susan Russo, Maroon Creek Estates
Work Session to review and receive comments on access location options for a preliminary application for residential development on an existing approximately 12-acre site located at 2188 Foothill Road. Zoning for the property is A (Agriculture) District and West Foothill Road Corridor Overlay District.**

This item was continued to a future meeting at the request of the applicant.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

No discussion was held or action taken.

12. ADJOURNMENT

Chair Narum adjourned the Planning Commission meeting at 7:34pm.

Respectfully,

JANICE STERN
Secretary